

**LISTING OF THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

1-49 (Cancelled)

50. (Previously Presented) A method of marking a biopsy site, the method comprising the steps of:

- a) providing a marker element applier having a proximal end, a distal end, and a side exit port;
- b) providing a marker element comprising a radiopaque material and adapted to be deployed from the marker element applier;
- c) positioning the side exit port of the marker element applier adjacent a site from which a biopsy sample had been taken; and
- d) applying a force to a marker element disposed within the marker element applier to deploy the marker element through the side exit port of the marker element applier, such that no part of the marker element extends outside the body.

51. (Previously Presented) The method of Claim 50 wherein the step of applying a force to the marker element comprises pushing the marker element.

52-54. (Cancelled)

55. (Previously Presented) The method of Claim 50 wherein the step of providing a biopsy marker element comprises providing a biopsy marker element comprising a non-metallic material.

56. (Previously Presented) The method of Claim 50 wherein the step of providing a biopsy marker element comprises providing a biopsy marker element comprising a material selected from the group comprising polymers, salts, ceramics, calcium carbonate, and combinations thereof.

57. (Previously Presented) The method of Claim 50 wherein the step of providing a biopsy marker element comprises providing a biopsy marker element which is expandable.

58. (Previously Presented) The method of Claim 50 further comprising the step of using an imaging system.

59. (Previously Presented) The methods of Claim 58 wherein the imaging system is selected from the group consisting of x-ray, ultrasound, and magnetic resonance imaging systems.

60. (Previously Presented) A method for use in a breast biopsy procedure, the method comprising the steps of:

- a) positioning a marker element applier having a side exit port within breast tissue in a body with the aid of an imaging system selected from the group consisting of x-ray, ultrasound, and magnetic resonance imaging systems; and
- b) deploying a marker element through the side exit port of the marker element applier, such that no part of the marker element extends outside the body.

61. (Cancelled)

62. (Previously Presented) The method of Claim 60 wherein the step of deploying the marker element comprises pushing the marker element.

63-64. (Cancelled)

65. (Previously Presented) The method of Claim 60 wherein the step of deploying a marker element comprises deploying a marker element comprising a radiopaque material.

66. (Previously Presented) The method of Claim 60 wherein the step of deploying a marker element comprises deploying a biopsy marker element comprising a non-metallic material.

67. (Previously Presented) The method of Claim 60 wherein the step of deploying a biopsy marker element comprises deploying a marker element comprising a material selected from the group comprising polymers, salts, ceramics, calcium carbonate, and combinations thereof.

68-78 (Cancelled)